

Remarks/Arguments:

Claims 52, 53, 61 and 62 are pending. All claims stand rejected. Applicant respectfully requests that the claims be reconsidered in view of the following.

Applicant wishes to thank the Examiner for the courtesy extended to applicant's representative during the telephone interview of December 1, 2003. During that interview claim 52 was discussed with respect to the 35 U.S.C. 112 rejections. The Examiner requested that applicant formally file a response for reconsideration of the claims.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

The Office Action, at page 3 paragraph 5 sets forth "claims 52-53 and 61-62 are rejected under 35 U.S.C. 112, first paragraph." Specifically, the Office Action states that "a phone card is a prepaid card, which can be used to make telephone calls. The card contains a preset long distance phone time. Time is deducted off the card as its being used." The specification fails to teach how the 'phone card' is distinct, in terms of the claimed features that facilitates fund transfer in order to increase the value of the phone card." (Emphasis in original). Applicant respectfully disagrees with this conclusion for the reasons set forth below.

Applicant respectfully directs the Examiner's attention to page 8-10, where applicant discusses the use of vending machines. Specifically, applicant states forth that "vending machines can include ... data-port/phone 648 ..." Also, applicant identifies a "public access electronic terminal 500" as including a transaction control device 108 which may be a magnetic card reader/writer. In addition, applicant explains that transaction control device 108 can be used with phone cards or "any other value storing medium." Applicant also sets forth at page 12, lines 23 through page 13, line 11, that a telephone such as phone 180 (see Fig. 3E) and phone 182 (see Fig. 3F) can include system 500 and that these phones can also be referred to as a data-port/phone 648 (described in applicant's specification at page 9 as a type of vending machine). Applicant also sets forth that "a customer can purchase, and/or re-value/transfer value or otherwise re-value and/or obtain a valid "ready-to-use" form of ID (to activate system 500)." (Emphasis added).

The Office Action readily acknowledges that a phone card is a "prepaid card," and as such applicant respectfully submits that it is "ready-to-use." Indeed, the value attributed to the prepaid card is stored on the magnetic medium attached to the card. Further, applicant's specification sets forth at page 26, lines 24-31, that system 500 is "interconnected with a pre-paid telephone card vending (re-value and/or dispense) machine 624. ... the pre-paid telephone card vending machine 624 can effectuate the dispensing and re-valuing of pre-paid telephone cards. ... the pre-paid telephone card can also be utilized as an ID form..." (Emphasis added) In addition, applicant's specification sets forth at page, 45, line 24 through page 46, line 6, an exemplary process for how value, defined by applicant as "money/units/credit," is "transfer[ed] to the card" thereby increasing its value. Accordingly, applicant's specification, when considered as a whole, provides sufficient description to comply with the enablement requirement of 35 U.S.C. 112, first paragraph. Applicant respectfully requests therefore that the rejection of claim 52 under 35 U.S.C § 112, first paragraph be withdrawn and the claim allowed.

The Office Action, at page 4 paragraph 9 sets forth "claims 52 and 61-62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite." Specifically, the Office Action finds that there is a perceived lack of relationship between certain steps of claim 52. Applicant has amended claim 52 to correct these errors. Therefore applicant respectfully requests that the rejection of claim 52 under 35 U.S.C. § 112 be withdrawn and the claims allowed.

Appln: No. 09/599,078
Amendment Dated December 9, 2003
Reply to Office Action of September 3, 2003

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In view of the amendments and remarks set forth above, Applicant respectfully submits that claims 52, 53, 61 and 62 are in condition for allowance and early notification to that effect is earnestly solicited. Reconsideration and allowance of all pending claims is respectfully requested.

Respectfully submitted,



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JLE/mc

Dated: December 9, 2003

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

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December 9, 2003

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